



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

COPY MAILED

NOV 09 2004

OFFICE OF PETITIONS

In re Application of :
Gordon :
Application No. 10/633,177 :
Filed: August 1, 2003 :
Attorney Docket No. STE-023.01 (18903-2301) :
For: SYSTEMS AND METHODS FOR WELDING OF :
PARTS :

ON PETITION

This is a decision on the reconsideration petition filed February 25, 2004 and resubmitted on October 18, 2004, requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on August 1, 2003. On October 30, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that an executed declaration and figures 5 and 6 as described in the specification appeared to have been omitted.

Petitioner desires that Figures 5 and 6 be accorded a filing date of August 1, 2003 on the basis that 4 pages of informal drawings were received in the Patent and Trademark Office (PTO) on August 1, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 1, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 pages of informal drawings and an executed declaration. A review of the application file reveals that there is no declaration present and there are only 2 sheets of drawing figures present, depicting figures 1, 2, 3, and 4.

The return postcard constitutes *prima facie* evidence that an executed declaration and 4 sheets of drawing figures, including Figures 5 and 6, were filed on August 1, 2003. MPEP 503. Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**.

Pursuant to petitioner's authorization, deposit account no. 06-1448 will be credited the \$130.00 petition fee submitted on November 11, 2003.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 1, 2003**, using the copy of Figures 5 and 6 supplied with the February 25, 2004 petition.

Office records will be corrected to show that 4 sheets of drawings were filed on August 1, 2003. OIPE will mail a corrected filing receipt in due course.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy